

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

Building Code Appeals Board
Docket No. 05-394

ICON Architecture, Inc.,)
Appellant)
)
v.)
)
City of Peabody,)
Appellee)
)

BOARD'S RULING ON APPEAL

Procedural History

This matter came before the State Building Code Appeals Board ("Board") on the Appellant's appeal filed pursuant to 780 CMR §122.1. In accordance with 780 CMR §122.3, Appellant asks the Board to grant variances from 780 CMR §§1014.11, 1022.1, and 1017.3 of the Massachusetts State Building Code ("Code") with respect to Appellant's project to convert an existing elementary school building, the Brown School in Peabody, into 20 units of residential housing ("Project").

By letter dated February 12, 2007, Kevin Goggin, Assistant Building Inspector for the City of Peabody, informed Appellant that an inspection revealed that the existing exit stairways and doors of the Project did not comply with the minimum requirements for new construction under 780 CMR §3400.3.8.

In accordance with G. L. c. 30A, §§10 and 11; G. L. c. 143, §100; 801 CMR §1.02 et. seq.; and 780 CMR §122.3.4, the Board convened a public hearing on April 5, 2007 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

Gregory Sullivan appeared on behalf of Appellant. Kevin Goggin was present on behalf of the City of Peabody.

Reasons for Variance

As part of the Project, Appellant intends to leave certain handrails, interior stair doors, and glass walls at corridors intact, in order to meet eligibility requirements for being listed on the National Register of Historic Places.

The first issue is whether Appellant should obtain a variance from the one-hour fire resistance rating in §1014.11 of the Code when the interior glass entries to all four stairs on all three floors of the Project do not conform to the one-hour requirement. Section 1014.11 requires:

Interior exit stairways shall be enclosed with fire separation assemblies having a fire resistance rating of not less than two hours except that such stairways in occupancies in Use Group A, B, E, F, H-4, I, M, R or S which connect less than four stories shall be enclosed with fire separation assemblies having a fire resistance rating of not less than one hour.

In addition to the historic significance of the existing features, Appellant also represented that a fire sprinkler system in accordance with NFPA 13R will be installed throughout the Project along with two additional sprinkler heads on the inside and outside of all of the stair glass walls to provide more fire protection.

Next, Appellant presented the issue that the existing handrails do not comply with the Code because they are interrupted by newel posts and do not extend twelve inches beyond the top and bottom risers. Section 1022.2 states that "handrail-gripping surfaces shall be continuous, without interruption by newel posts, other structure elements or obstructions." In addition, §1022.2.4 requires:

At locations where handrails are not continuous between stairway flights, including the top and bottom of a stairway, the handrails shall extend horizontally at least 12 inches (305 mm) beyond the top riser and continue to slope for the depth of one tread beyond the bottom riser. The handrail ends shall be returned to a wall or post.

Again, the Board considered the historic significance of these existing features of the handrails.

Finally, Appellant noted that the existing doors to all four stairways consist of pairs of 30" metal doors on closers with push and pulls but the doors do not latch. Appellant noted that these doors do not meet the width requirements of §1017.3.

The minimum width of each door opening shall be sufficient for the occupant load thereof and shall provide a clear width of not less than 32 inches (813 mm). Where 780 CMR 1017.0 requires a minimum clear width of 32 inches (813 mm) and a door opening includes two door leaves without a mullion, one leaf shall provide a clear opening width of 32 inches (813 mm). The maximum width of a swinging door leaf shall be 48 inches nominal. 780 CMR §1017.3.

The Board also considered Appellant's argument that 780 CMR §3409 should apply to the Project because it is a historic structure.

Decision

The Chair entertained a motion to grant variances from 780 CMR §§1014.11, 1022.1, and 1017.3, based on the fact that the City's fire and building departments did not oppose the granting of the variances and that, without the variances, the Applicant would be he "inhibited" from obtaining national historic registration ("Motion"). Following testimony, and based upon relevant information provided, Board members voted to allow the Motion. The Board voted as indicated below.

X..... Granted

☐..... Denied

☐..... Rendered Interpretation ☐

☐..... Granted with conditions

☐..... Dismissed

The vote was:

X..... Unanimous

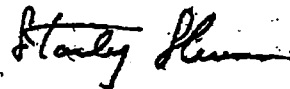
..... ☐ Majority



Jacob Nunnemacher



Brian Gale - Chair

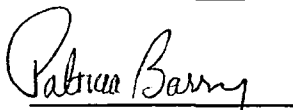


Stanley Shuman

Any person aggrieved by a decision of the State Building Code Appeals Board may appeal to a court of competent jurisdiction in accordance with Chapter 30A, Section 14 of the Massachusetts General Laws.

A complete administrative record is on file at the office of the Board of Building Regulations and Standards.

A true copy attest, dated: November 28, 2007


Patricia Barry, Clerk

All hearings are audio recorded. The digital recording (which is on file at the office of the Board of Building Regulations and Standards) serves as the official record of the hearing. Copies of the recording are available from the Board for a fee of \$10.00 per copy. Please make requests for copies in writing and attach a check made payable to the Commonwealth of Massachusetts for the appropriate fee. Requests may be addressed to:

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